

# **NATIONAL MARINE FISHERIES SERVICE SOUTHEAST REGION NEWS RELEASE**

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FOR IMMEDIATE RELEASE  
November 13, 2000  
SERO NR00-054

## **NOAA CHARGES COMMERCIAL VESSEL OWNER AND FISHERMAN WITH VIOLATIONS OF THE LACEY ACT AND FALSE REPORTING**

The National Oceanic and Atmospheric Administration has charged a Florida fisherman and vessel owner with violating provisions of the Lacey Act and the Magnuson-Stevens Fishery Conservation and Management Act by conducting illegal commercial fishing operations in Bahamian waters and then submitting fraudulent reports on fishing activity to NOAA.

"The United States has recognized the Bahamas' Exclusive Fisheries Zone for over two decades. With the support of the Bahamian government, NOAA's Office for Law Enforcement will continue to aggressively enforce the Lacey Act and this critical fishery zone," said Gene Proulx, special agent in charge for NOAA's Southeast Region.

NOAA has assessed a fine of \$37,500 against David L. Kolesar of Lady Lake, FL, the operator of the fishing vessel "Triple Threat," and the vessel's owner Just Vin II, Corp., of Dania, FL. Just Vin II, Corp., was also assessed a permit sanction that will forbid the Triple Threat from fishing for or dealing in species of fish for which a federal permit is required for 30 days. Kolesar and Just Vin II, Corp., have 30 days to pay the fine and accept the permit sanction, seek to have the assessment modified, or request a hearing before an administrative law judge to deny or contest the charges.

Under the Lacey Act it is illegal to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken in violation of the laws of another state or country. From July 21, 2000, through August 11, 2000, Kolesar used the Triple Threat to illegally fish in Bahamian waters, at times as far as 11 miles inside Bahamian territory. Fish valued at over \$12,000 were harvested during Kolesar's many illegal fishing excursions.

On August 14, 2000, a NOAA special agent, along with officers from U. S. Coast Guard Station Ft. Pierce, Fla., interviewed Kolesar who claimed that faulty navigational equipment caused his illegal trips.

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Agents later discovered that Kolesar deleted evidence of his illegal fishing activities from his navigational equipment. A few days later, Kolesar and Just Vin II, Corp., submitted fraudulent reports to NOAA which indicated that the vessel had fished legally on all of Kolesar's trips during the period cited above. In addition, in 1991 Bahamian officials prosecuted Kolesar for fishing in Bahamian waters. He also has a prior record of violating the Magnuson-Stevens Act in 1995 for possessing shark fins illegally.

"There have been many United States vessels prosecuted under the Lacey Act for fishing in Bahamian waters," said NOAA Enforcement Attorney Robin Jung. "In fact, all of the NOAA charts for the relevant area clearly indicate the boundary line between U.S. and Bahamian waters so there is no legitimate excuse for this type of fishing activity. It is poaching plain and simple."

NOAA Fisheries urges citizens to report fishery violations during weekly business hours of 8:00 a.m. - 4:30 p.m. Eastern, to its Southeast Region Law Enforcement Division at (727) 570-5344, or after hours and weekends at its National Enforcement Hotline at (800) 853-1964.

This and other Southeast Regional news releases and fishery bulletins are available on the region's Internet home page: <http://caldera.sero.nmfs.gov> or NOAA's Internet home page, <http://www.noaa.gov/public-affairs/press2000.html>.

NOAA Fisheries is an agency of the Department of Commerce's National Oceanic and Atmospheric Administration. The agency conducts scientific research and provides services and products to support fisheries management, fisheries development, trade, and industry assistance, enforcement, and protected species and habitat conservation programs.

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